



July 15, 2016

### **The U.S. Commission on Civil Rights Welcomes the Supreme Court's Ruling on *Dollar General v. Mississippi Band of Choctaw Indians***

The U.S. Commission on Civil Rights is pleased to acknowledge the result of the recent Supreme Court decision in *Dollar General v. Mississippi Band of Choctaw Indians*. The practical result of the 4-4 affirmance is to uphold tribal courts' ability to adjudicate claims against non-Indians. Although it is regrettable that the Senate's failure to confirm a Supreme Court Justice has caused the Court to be unable to reach a full decision on the merits, the ability of tribal members to bring civil claims against non-Indians on Indian country in tribal court is of vital importance to tribal sovereignty.

The case arose from the alleged sexual assault of a 13-year old boy. Unable to bring criminal charges, the boy and the tribe had to rely on federal prosecutors. When no charges were brought, they brought a civil claim in tribal court. This was their only recourse. Dollar General's fight against the claim would mean that tribal courts could not hear civil claims against non-Indians. Each court that heard the case rejected Dollar General's claim, and the Supreme Court's affirmance by tie vote means that the boy's case can continue.

This case has left in place the right of Native American governments to make laws on their land and have cases adjudicated in tribal courts, under tribal law, by tribal judges, with tribal rules of procedure. Native American sovereignty, so often under attack, has been upheld.

The Commission's 2003 [report](#) *A Quiet Crisis: Federal Funding and Unmet Needs in Indian Country* detailed the many ways the federal government fails to support the tribes. One failing is the government's difficulty in investigating and prosecuting crimes on tribal land. The report also noted, "[E]ffective resolution of civil disputes is an essential component of the governance infrastructure that tribes must provide. Thus, in addition to ensuring order and justice, tribal courts are a key to economic development and self-sufficiency."<sup>1</sup> The tribal authority left in place by *Dollar General* will allow tribes some measure of self-determination in the face of these federal failings. The Commission is currently updating the 2003 *Quiet Crisis* report and expects to issue it later this year.

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<sup>1</sup> U.S. Commission on Civil Rights, *A Quiet Crisis: Federal Funding and Unmet Needs in Indian Country*, 2003, p. 78, available at <http://www.usccr.gov/pubs/na0703/na0204.pdf>.

Commission Chair Martin R. Castro stated, “The sovereignty of America’s First Nations is often under threat. Too often tribes must continue to litigate their rights, which should have been settled long ago. This decision by the Supreme Court reaffirms the preeminence of Indian law and Indian courts on Indian country and we applaud them.”

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